

"(B) SPECIAL RULES FOR COLLEGE STUDENTS.—

For the purpose of subparagraph (A), a child whose birthday occurs before July 1 or after August 31 of a calendar year and while regularly pursuing such a course of study or training is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if the child shows to the satisfaction of the Secretary of Defense that the child has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim.

"(C) FOSTER CHILDREN.—A foster child to qualify under this paragraph as the dependent child of a person to whom the Plan applies must, at the time of the death of that person, also reside with, and receive over one-half of his support from that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while a student

as described in this paragraph, shall not be considered

to affect the residence of such a foster child. "(12) COURT.—The term 'court' has the meaning given that term by section 1408(a)(D) of this title.

"(13) COURT ORDER.—

"(A) IN GENERAL.—The term 'court order' means a court's final decree of divorce, dissolution, or annulment or a court ordered, ratified or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified or approved property settlement agreement incident to such previously issued decree).

"(B) FINAL DECREE.—The term 'final decree' means a decree from which no appeal may be

taken or from  
which no appeal has been taken within the  
time allowed  
for the taking of such appeals under the  
laws applicable  
to such appeals or a decree from which  
timely appeal  
has been taken and such appeal has been  
finally decided  
under the laws applicable to such appeals.  
"(C) REGULAR ON ITS FACE.—The term  
regular on its  
face when used in connection with a court  
order means  
a court order that meets the conditions  
prescribed in section  
1408(b)(2) of this title.

#### **§ 1448. Application of plan**

"(a) GENERAL RULES FOR PARTICIPATION IN THE PLAN.—

"(1) NAME OF PLAN; ELIGIBLE PARTICIPANTS.—The  
program  
established by this subchapter shall be known as  
the Survivor  
Benefit Plan. The following persons are eligible  
to participate  
in the Plan.

"(A) Persons entitled to retired pay

"(B) Persons who would be eligible for reserve-component retired pay but for the fact that they are  
under  
60 years of age.